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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,523	02/01/2001	Hideaki Machida	1022-01	4791

7590 06/18/2002

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EXAMINER

SIMONE, CATHERINE A

ART UNIT	PAPER NUMBER
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1772

6

DATE MAILED: 06/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/762,523

Applicant(s)

MACHIDA ET AL.

Examiner

Catherine Simone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 6-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 6-9 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in Paper No. 5.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1-5** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitations “the ratio of its depth to its opening is at least 0.7” and “its longest major axis is at least 150 mm in length with its draw depth being at least 0.5 mm” in **claim 1**, “the ratio of its depth to its opening falls between 0.7 and 5.0” and “its longest major axis falls between 150 and 10000 mm in length with its draw depth falling between 0.2 and 8000 mm” in **claim 2** and “the ratio of its depth to its opening falls between 1.0 and 3.0” and “its longest major axis falls between 200 and 5000 mm in length with its draw depth falling between 1.0 and 2000 mm” in **claim 3** are deemed vague and indefinite. What is draw depth? Clarification is requested.

The recitations “its” in **claims 1-5** and “is such that” in **claims 2 and 3** are deemed vague and indefinite. Clarification is requested.

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Claims 1-3 recite the limitation "the ratio". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-3** are rejected under 35 U.S.C. 102(b) as being anticipated by Kitajima et al. (5,582,886).

In regards to **claims 1-3**, Kitajima et al. discloses an open-ended polyimide molding of an aromatic polyimide resin (see col. 2, lines 47-50 and col. 4, line 35), which is characterized in that its wall thickness is at most 0.5 mm (see col. 4, lines 45-48), and that the ratio of its depth to its opening is at least 0.7, or its longest major axis is at least 150 mm in length with its draw depth being at least 0.5 mm (see col. 10, lines 40-45).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. **Claims 4 and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitajima et al. (5,582,886) in view of Yamamoto et al. (6,251,507) and in further view of Yamamoto et al. (6,217,996).

Kitajima et al. discloses an open-ended polyimide molding of an aromatic polyimide resin (see col. 2, lines 47-50 and col. 4, line 35), which is characterized in that its wall thickness is at most 0.5 mm (see col. 4, lines 45-48), and that the ratio of its depth to its opening is at least 0.7, or its longest major axis is at least 150 mm in length with its draw depth being at least 0.5 mm (see col. 10, lines 40-45). However, Kitajima et al. fails to disclose a thermoplastic aromatic polyimide and a degree of elongation at break. Yamamoto et al. (6,251,507) teaches a thermoplastic aromatic polyimide (see col. 3, line 21) is known in the art and Yamamoto et al. (6,217,996) teaches a degree of elongation at break (see col. 2, lines 48-50) is known in the art for the purpose of providing a polyimide molding with high heat resistance.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the aromatic polyimide molding in Kitajima et al. with a thermoplastic aromatic polyimide as suggested in Yamamoto et al. (6,251,507) and with a degree of elongation at break as suggested in Yamamoto et al. (6,217,996) in order to provide a polyimide molding with high heat resistance.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents are cited for further teachings of polyimide moldings similar to that instantly disclosed.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (703) 605-4297.


The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (703) 308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


Catherine Simone
Examiner
Art Unit 1772

June 14, 2002


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

6/14/02